IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 13TH APRIL 2007 / 23RD CHAITHRA 1929

Crl.MC.No. 1199 of 2007()

PETITIONER:

CHACKO, S/O.CHERIYAN,THARAPPEL HOUSE,
PANAMARAM,WAYANAD DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS:

STATE OF KERALA THROUGH THE
FOREST RANGE OFFICER,CHETHALATH RANGE,
REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.1199 of 2007

Dated this the 13th day of April 2007

O R D E R

The grievance of the petitioner is that the petition filed by him before the learned Judicial First Class Magistrate Court-II, Sulthan Bathery under Section 457 Cr.P.C is not being entertained by the learned Magistrate. Has the petition been filed before the learned Magistrate? When was it filed? What is the court fee number assigned to the petition? With what order or instructions is it returned or not entertained? No satisfactory answers are forthcoming to these queries of the court. I would refuse to believe that any court would without passing any orders refuse to take on file a petition filed by a counsel. I would also refuse to believe that any self-respecting member of the noble profession would meekly take back the petition and run to the High Court with a petition like this. It is for the petitioner to file the application formally before the learned Magistrate. The learned Magistrate must return it for defect, in accordance with rules of practice or dismiss in limine or pass appropriate orders

on such applications. The petitioner must do the same. If such application is still not entertained by the learned Magistrate, along with the court fee number shown, it must be reported to this court. I find no reason to entertain this Criminal Miscellaneous Case at this stage at the instance of the petitioner who has not done the needful even admittedly to properly file his petition before the learned Magistrate.

2. Of course, the learned counsel for the petitioner has shown before me the petition which is stated to be returned by the learned Magistrate. The petition does not reveal any indication to that effect. The petitioner can straight away present the same before the learned Magistrate and seek appropriate orders and if such orders are not received, the petitioner can complain to this court.

3. Hand over copy of this order to the learned counsel for the petitioner for production before the learned Magistrate.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF APRIL 2007